

AO 91 (Rev. 08/09) Criminal Complaint

H/H

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

United States of America

v.
Gregory R. Lee
2659 Sparrow Hill Drive
Columbus, OH 43219

Case No. 2:17-MJ-324

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 3/6/17 to 5/29/17 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

Code Section

18 U.S.C. 2251

Offense Description

Use of a minor engaged in sexually explicit conduct for the purpose of
producing a visual depiction of such conduct, using materials that had been
shipped or transported in interstate or foreign commerce

18 U.S.C. 2252(a)(2)

Receipt of visual depictions of a minor engaged in sexually explicit conduct
via a means or facility of interstate or foreign commerce

This criminal complaint is based on these facts:

See attached affidavit incorporated herein by reference

☒ Continued on the attached sheet.

Complainant's signature

Brett M. Peachey, TFO FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: June 19, 2017

Judge's signature

City and state: Columbus, Ohio

Elizabeth Preston-Deavers

Printed name and title

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In the Matter of the Criminal Complaint:

United States of America

v.

**Gregory R. Lee
2659 Sparrow Hill Drive
Columbus, OH 43219**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Brett M. Peachey, a Task Force Officer with the Federal Bureau of Investigation ("FBI"), Columbus Resident Agency, being first duly sworn, hereby depose and state as follows:

1. I, TFO Brett Peachey (your affiant), make this affidavit in support of a criminal complaint to arrest for a violation of 18 U.S.C. § 2251(a) – Production of Child Pornography and 18 U.S.C. § 2252(a)(2) – Receipt of Child Pornography. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, your affiant did not include each and every fact known concerning this investigation. Your affiant did not withhold any information or evidence that would negate probable cause. Your affiant set forth only the facts that are believed to be necessary to establish probable cause that Gregory R. LEE committed the violations listed above.

2. Your affiant has been employed as a police officer for the Westerville Police Department since December of 1995. Since March of 2008, your affiant has been assigned to the Cyber Crimes and Violent Crimes Task Force with the Federal Bureau of Investigation, Cincinnati Division, Columbus Resident Agency, conducting online child enticement and child pornography investigations. Your affiant is also a member of the Franklin County Internet Crimes Against Children Task Force in Columbus, Ohio investigating similar crimes. Your affiant has gained experience through a Bachelor of Arts Degree in Criminology, and has received specialized training in the area of internet crimes involving child exploitation, child pornography investigations and computer forensics. Your affiant has been involved in hundreds of investigations involving internet crimes against children, resulting in dozens of felony arrests and

convictions. As a Task Force Officer with the FBI, your affiant is authorized to investigate violations of the laws of the United States under the authority of the United States.

3. On June 1, 2017, your affiant was advised that the Dublin (OH) Police Department was currently investigating Gregory R. LEE, residing at 2659 Sparrow Hill Drive, Columbus, OH for engaging in sexual activity with a then-fifteen-year-old female and the production and receipt of child pornography involving the same child. Until recently, LEE was a teacher at Dublin Scioto high school and the victim in this case, hereinafter referred to as Jane Doe, was a student of LEE's.

4. Your affiant obtained reports, narrative supplements, notes and search warrants executed by the Dublin Police Department during the course of their investigation. According to this information, on May 28, 2017, Jane Doe's mother found and read a personal journal belonging to Jane Doe which contained explicit descriptions of at least one act of oral sex between Jane Doe and an individual identified as "Greg Lee."

5. On June 1, 2017, Jane Doe was interviewed at the Child Advocacy Center in Columbus, OH. At that time, Jane Doe advised that she has taken and distributed nude photos of herself to Greg LEE through both text messages on her phone and through software applications accessed through her phone. Jane Doe also advised that LEE has sent her partially nude photographs of himself which showed his exposed genitalia. During this interview, Jane Doe denied that any sexual contact had occurred between her and LEE.

6. In a follow-up interview with Dublin police detectives on June 2, 2017, Jane Doe admitted that she had in fact engaged in sexual contact with Lee, starting in November of 2016, when she was fifteen years of age. Jane Doe also confirmed that she sent nude photographs of herself, including photos of her masturbating, to LEE at LEE's request.

7. On May 31, 2017, a search warrant was obtained by Dublin police detectives for Jane Doe's cell phone and two computers at her residence. During a preliminary forensic examination of Jane Doe's cell phone, a photo of a male's erect penis was recovered. The photo appears to have been sent to Jane Doe through the Viber application. Viber is described as a free, cross-platform instant messaging and voice over IP application which also allows users to exchange images, video and audio media messages by sending files to each other. The date stamp on this

photo was May 30, 2017, which correlates to a text conversation found on the phone with a subject utilizing the user name "Bear" through the Viber application. During the interview of Jane Doe at the Child Advocacy Center, Jane Doe advised that LEE's phone number was saved in her cell phone under the name "Bear."

8. On June 2, 2017, Dublin Police Department executed a search warrant at LEE's residence: 2659 Sparrow Hill, Columbus, OH 43219. At that time various pieces of digital media were seized and transported to the Dublin Police Department. LEE was present at the time and agreed to speak to detectives about the ongoing investigation. LEE admitted that Jane Doe had texted nude photos of herself to him which he then sent to his Gmail account. After being sent to this account, LEE would save the photos to a USB drive which was currently located in his vehicle. LEE further added that every photo of Jane Doe that she ever sent to him or that he ever took of her would be on this USB drive. LEE also admitted that he had sent nude photos of himself to Jane Doe but believes that he later deleted them from his devices after sending them to her. LEE further acknowledged that he took photographs of Jane Doe with his phone in his classroom and that these photos would be saved to the USB drive. Both LEE and Jane Doe admitted that they engaged in oral sex in LEE's classroom at the school multiple times.

9. On June 13, 2017, a federal search warrant was obtained for the items that had been seized at LEE's residence by the Dublin Police Department, which included a Sandisk 16GB USB drive that was located in LEE's vehicle and a Samsung Galaxy smart phone. Forensic examination of the Sandisk USB drive revealed a folder labeled "PPP" which contained 42 sub-folders labeled with various dates and other identifying information. Approximately 234 images of Jane Doe were recovered from these folders including approximately 49 images which depicted Jane Doe in various stages of nudity, including the lascivious display of the genitals. Several of these images, as well as two videos, depict Jane Doe masturbating. LEE had given some of the images specific titles such as "clean pussy," "deskchairpussy," "pussy1," "legs and ass," and "playingwithherself." Two of these folders, which were labeled "8January18_2017(G2)" and "19March6_2017(G2), contained several photos of Jane Doe that she could not have taken by herself, as both of her hands were visible in the photos. The photos in the folder entitled "8January18_2017(G2)" all had file creation dates of January 19, 2017. The photos in the folder entitled "19March6_2017(G2)" all had file creation dates of March 12, 2017.

10. Forensic examination of LEE's Samsung Galaxy S4 smart phone revealed a large number of the same photos of Jane Doe that had been found on LEE's SanDisk 16GB USB drive referenced above. One of the photos, which had been entitled "NaughtyinG2" on the USB drive, depicted Jane Doe's pubic area while wearing underwear. Jane Doe's face and body were visible such that your affiant was able to identify her, however the photograph focused on her pubic area and her underwear were pulled to one side, exposing the right side of her vagina and labia. This image was located within the "19March16_2017(G2)" folder on the USB drive and had a file creation date of March 6, 2017, on the phone.

11. Another photo found on the phone, which had been entitled "Crotch&Panty" on the USB drive, depicted a close up image of a female's pubic area with her legs spread. Although the female is wearing a pair of panties, they are pulled to one side exposing the right side of her vagina and labia. This photograph appears very similar to the "NaughtyinG2" image described above, except that it is zoomed in so that just the pubic area and nude vagina and labia are visible. It was also found in the "19March16_2017(G2)" folder on LEE's USB drive and had a file creation date of March 6, 2017 on LEE's Samsung phone.

12. In addition to the two photos described above and various other photos of Jane Doe that appeared to have been transferred from LEE's phone to his USB drive, numerous additional nude photos that are believed to be of Jane Doe were found on the phone, but were not located on the USB drive. Approximately ten of these images depicted Jane Doe nude lying on her back in a bed. Several of the photos are close up images of what is believed to be Jane Doe's vagina and anus with her legs spread or in the air. The file creation dates for these photos is May 29, 2017.

13. On June 15, 2017, your affiant interviewed Jane Doe at her residence. Jane Doe was shown the two photos described in paragraphs 10 and 11 above and six additional photos that had been found in the folder labeled "19March 6_2017(G2)" on LEE's USB drive. When Jane Doe was asked if G2 had any significance she replied that it is LEE'S classroom number at the high school. Jane Doe positively identified herself in all eight photos and advised that they had been taken by LEE using his cell phone in his classroom.

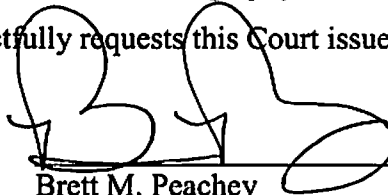
14. The other six photos in these folders depicted Jane Doe in a similar pose as the two photos described above, but are of her buttocks from behind or from an angle under her skirt.

Jane Doe's vagina is not explicitly visible in any of these photos. When asked if the dates that the folders were labeled were the same dates that the photos were taken, Jane Doe advised that they likely were.

15. Jane Doe advised that LEE would request that she send nude photos to him and that she would feel "guilt tripped" if she didn't. The majority of the times that Jane Doe sent nude photos it was at LEE'S request and, at times, LEE would ask her to get in different positions for the photos. LEE also requested that she take photos and videos of herself masturbating or touching herself and she complied.

16. The Samsung cell phone that LEE used to take the photos of Jane Doe is labeled with an imprint stating that it was "made in China," and thus has traveled in interstate and foreign commerce.

17. Based upon the above information, your affiant submits that there is probable cause to believe that Gregory R. LEE has committed the offense of Production of Child Pornography, in violation of 18 U.S.C. 2251(a) and Receipt of Child Pornography, in violation of 18 U.S.C. 2252(a)(2). Therefore, your affiant respectfully requests this Court issue a criminal complaint and arrest warrant.



Brett M. Peachey
Task Force Officer
Federal Bureau of Investigation

Sworn to and subscribed before me this 19th day of June, 2017.



Elizabeth Preston-Deavers
United States Magistrate Judge
United States District Court
Southern District of Ohio